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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,727	12/10/2003	Dhrubajyoti Borthakur	5760-18500	6701
35690	7590	08/16/2006	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701			MIZRAHI, DIANE D	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,727

Applicant(s)

BORTHAKUR ET AL.

Examiner

DIANE D. MIZRAHI

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

III. DETAILED ACTION

Claims 1-21 are presented for examination.

Drawings

The Examiner contends that the drawings submitted on December 10, 2003 are acceptable.

Claim Rejections - 35 USC . 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is "useful, tangible and concrete.

(See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which states that "A claim limited to a machine or manufacture, which has a practical application, is statutory. In most cases a claim to a specific machine or manufacture will have a practical application. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)... a specific machine to produce a useful, concrete, and tangible result and State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

Art Unit: 2165

(Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility
<[http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101 20051026.pdf](http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101%2020051026.pdf)>)

Examiner requests Applicant to include in Applicants claimed limitations (in all the claims) the following:

What is the practical application?

What is the result?

What is final result that is concrete, useful and tangible?

Because the "practical application, result, concrete, useful and tangible" limitations are not claimed in Applicant's claims, Examiner believes that the above listed claims are nonstatutory.

Claims 15-21 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards "*computer-accessible medium*".

According to Applicant's specification (Page 7, paragraph [0018]) is evident that Applicant intends for "computer usable medium" to include embodiments where the medium is not limited to the media that the Office believes are capable of realizing the underlying functionality of the instructions.

Specifically, while the volatile and not-volatile embodiments would be statutory, the transmission media as described in the specification is not believed to be covered by any of the statutory categories of invention nor would it enable any underlying functionality to be realized. Note that deleting subject matter from the specification may raise the issue of new

Art Unit: 2165

matter. However, rephrasing is permissible in accordance with MPEP 2163.07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 8-10 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Pearson et al. (US Publication No. 20050060561 A1 and Pearson hereinafter).

Regarding Claim 1, Pearson teaches a storage device configured to store a plurality of files [0255]; and a file system configured to manage access to said storage device and to store file system content [0253], wherein said file system comprises a programming-language-independent interface whereby an application accesses said file system content [0229] [0328] [0084] [0192].

Regarding Claims 2, 9 and 16, Pearson teaches wherein said file system content comprises file data stored in one or more of

Art Unit: 2165

said plurality of files[0253].

Regarding Claims 3, 10 and 17, Pearson teaches ... file system content comprises metadata stored in a named stream corresponding to a given file [0137].

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 11-14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson et al. (US Publication No. 20050060561 A1 and Pearson hereinafter) in view of Kevin Corneille et al. et al. (U.S. Publication No. 20050073982 A1 hereinafter).

The teachings of Person et al. has been discussed above.

Regarding Claims 4, 11 and 18, Pearson does not expressly teach wherein said metadata is stored in Extensible Markup Language (XML) format.

Corneille teaches wherein said metadata is stored in Extensible Markup Language (XML) format [0149].

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Pearson with the teachings of Corneille to include the claimed, "wherein said metadata is stored in Extensible Markup Language (XML) format " with the motivation to provide functionality to control and manage authorizations for all accounts (Corneille, [0017]).

Regarding Claims 5, 12 and 19, the limitations of these claims are similar in scope to the rejected claims above. In addition, Pearson does not virtual file identity.

Corneille teaches virtual file identity [0267].

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Pearson with the teachings of Corneille to include the claimed, "virtual file identity" with the motivation to provide functionality to control and manage authorizations for all accounts (Corneille, [0017]).

Regarding Claims 6, 13 and 20, the limitations of these claims are similar in scope to the rejected claims above. Pearson does not expressly teach wherein said virtual file identity is formed by embedding a command token within a file

identity corresponding to said given file. In addition, Corneille teaches wherein said virtual file identity is formed by embedding a command token within a file identity corresponding to said given file [0272][0282][0277].

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Pearson with the teachings of Corneille to include the claimed, "teaches wherein said virtual file identity is formed by embedding a command token within a file identity corresponding to said given file " with the motivation to provide functionality to control and manage authorizations for all accounts (Corneille, [0017]).

Regarding Claims 7, 14 and 21, the limitations of these claims are similar in scope to the rejected claims above. Pearson does not expressly teach wherein said virtual file identity is formed by prepending a virtual directory to a file identity corresponding to said given file.

Corneille teaches wherein said virtual file identity is formed by prepending a virtual directory to a file identity corresponding to said given file [0277].

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Pearson with the teachings of Corneille to include

Art Unit: 2165

the claimed, "wherein said virtual file identity is formed by prepending a virtual directory to a file identity corresponding to said given file" with the motivation to provide functionality to control and manage authorizations for all accounts (Corneille, [0017]).

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D.

Art Unit: 2165

Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to be 'Diane Mizrahi', is written over a horizontal line.

Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

August 11, 2006